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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,892	06/25/2003	Michelangelo Bergia	Q76258	2291

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SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, NW
Washington, DC 20037-3213

EXAMINER

BOTTORFF, CHRISTOPHER

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/602,892

Applicant(s)

BERGIA, MICHELANGELO

Examiner

Christopher Boltorff

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12 is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

The amendment filed April 19, 2005 has been entered. Claim 12 is added.

Claims 1-12 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nadeau et al. US 6,705,623 in view of Silzer EP 222 480 A1.

Nadeau et al. disclose a supermarket trolley comprising a base 2 made of molded plastic material with wheels 72 and two lateral uprights 10 connected superiorly by a transverse bar 52. See Figures 8 and 10; and column 5, lines 57-62. A basket container 24, also made of molded plastic material, is connected at an end to the two lateral uprights 10. See Figures 8 and 14 and column 4, line 65, through column 5, line 1. The two lateral uprights 10 of the base and the ends of the basket 24 have respective mutually facing surfaces formed with substantially comb like formations 90 that are mutually complementary and are meshed following a relative coupling motion between the basket 24 and the base 2, 10 along a direction of coupling when the trolley is assembled. See Figures 13 and 14.

The two lateral uprights 10 and the end of the basket 24 are formed with tongue and groove elements 92, 94 designed to engage each other as a result of the meshing between the comb like formations 90. See Figures 13 and 14. The tongue and groove elements 92, 94 include, for each upright 10, a pair of respectively upper 92 and lower 94 seats designed to house a pair of corresponding upper 92 and respectively lower 94 projections of the basket 24. See Figures 13 and 14. The comb like formations 90 comprise a plurality of parallel projections generally elongated in the direction of coupling, and the elongated projections are slightly inclined relative to the direction of coupling. See Figures 13 and 14 and column 6, lines 53-57. The base 2, 10 and the basket 24 are capable of being mutually locked relative to the direction of coupling by means of the transverse bar 52. See Figures 8 and 15. Also, the basket 24 is open in correspondence with the end. See Figure 14.

The trolley further includes a child seat assembly 70 applied in correspondence with the open end of the basket 24 by means of said transverse bar 52. See Figure 15. The base 2, 10 has a double "L" configuration whose vertical branches constitute the uprights 10 and whose horizontal branches are interconnected by a front transverse member and support a bearing plane 78. See Figures 8 and 17. The end of the basket 24 includes a pair of elongated elements, which face uprights 10 and accommodate comb like formations 90 and projections 92 and 94, with respective legs projecting underneath the basket 24. See Figure 14.

Nadeau et al. do not disclose that the two lateral uprights are integral with the base. However, Silzer teaches the desirability of forming the base and lateral uprights

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of a supermarket trolley integrally to form side members 2. See Figure 2 and page 4, lines 8-17. From the teachings of Silzer, forming the lateral uprights of Nadeau et al. integral with the base would have been obvious to one of ordinary skill in the art at the time the invention was made. This would reduce the number of components in the trolley requiring assembly.

Allowable Subject Matter

Claim 12 is allowed. Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 11 and 12 define the direction of coupling of the present invention as being substantially parallel to the uprights. The direction of coupling in the invention of Nadeau et al. is substantially perpendicular to the uprights. The prior art does not teach a direction of coupling, in combination with the further limitations of the claims, that is substantially parallel to the uprights of a trolley.

Response to Arguments

Applicant's arguments filed April 19, 2005 have been fully considered but they are not persuasive.

Applicant asserts that components 90 of Nadeau et al. cannot be defined as comb-like formations, and that components 90 are only provided on the uprights and not also on the basket. However, the expression "comb-like" includes a broad range of

structures. The description of components 90 provided in the specification of Nadeau et al. and their depiction in Figures 13 and 14 reveal that components 90 include parallel adjacent projections and are, therefore, comb-like. The examiner recognizes that the connection system of Nadeau et al. is different than the connection system disclosed in the present application, but the rejected claims do not capture the distinctions.

Furthermore, Figure 14 shows that components 90, as well as components 92 and 94, are provided on the basket in addition to their presence on the uprights.

In regard to integral formation of the uprights and the base, Silzer teaches the desirability of such a feature.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

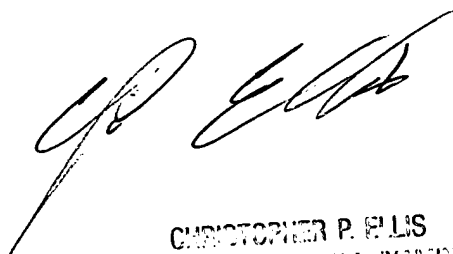
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Bottorff whose telephone number is (571) 272-6692. The examiner can normally be reached on Mon.-Fri. 7:30 a.m. - 4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Christopher Bottorff



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